

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA

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E.O. 11652: N/A

TAGS: EIND, RP, US

SUBJECT: PHILIPPINE COPYRIGHT DECREE

REF: MANILA 11570

1. DEPARTMENT (EA/PHL) VISITED NOVEMBER 7 BY REPRESENTATIVES OF U.S. PUBLISHING INDUSTRY, LEO ALBERT, PRESIDENT OF PRESTICE-HALL INTERNATIONAL, AND MEAD STONE OF MCGRAW-HILL, TO DISCUSS EFFECTS OF DECREE 285 AND IMPLEMENTING RESOLUTION, ON COPYRIGHTS. THEY REPORTED ALSO ON INTERVIEW BY NEDA DIRECTOR SICAT WITH PHILIPPINE PUBLISHERS, IN WHICH SICAT ALLEGEDLY FAVORED UNLIMITED REPRINTING OF BOOKS IN PHILIPPINES AND INDICATED GOP NOT CONCERNED WITH PROBLEM OF COLLECTING FROM MYRIAD PUBLISHERS EVEN THE LIMITED ROYALTY ALLOWED BY DECREE.

2. PUBLISHERS' REPS BELIEVE PROSPECTS ARE FOR CHAOS IN PHILIPPINE PUBLISHING INDUSTRY, DISCOURAGING DEVELOPMENT OF LOCAL INDUSTRY, WHICH GOP HAS PREVIOUSLY SOUGHT TO

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FOSTER, AND PRECLUDING ECONOMIES OF SCALE AVAILABLE IF

PUBLISHER CAN COUNT ON PROTECTED MARKET FOR A PARTICULAR BOOK. INTERNATIONAL PROGRAMS OF U.S. PUBLISHERS, DEVELOPED TO PROVIDE LOWER COST BOOKS FOR COUNTRIES SUCH AS PHILIPPINES, THEY SAID, WOULD BE SEVERELY DAMAGED, AND DANGEROUS PRECEDENT WOULD BE SET FOR OTHER COUNTRIES,

THREATENING BREAKDOWN OF ENTIRE INTERNATIONAL COPYRIGHT SYSTEM. ALBERT AND STONE NOTED THAT SUCH MEASURES ALSO LIKELY TO AFFECT FOREIGN IMAGE OF PHILIPPINE INVESTMENT CLIMATE, PARTICULARLY IN VIEW OF TIE-IN BETWEEN COPY-RIGHT AND PATENT PRINCIPLES WHICH ARE OF INTEREST TO INDUSTRIAL INVESTORS.

3. ALBERT, WHO IS CHAIRMAN OF INTERNATIONAL TRADE COMMITTEE, ASSOCIATION OF AMERICAN PUBLISHERS, ACKNOWLEDGED THAT THEIR LEGAL POSITION WEAK, SINCE APART FROM PROBLEM OF U.S. NON-PARTICIPATION IN BERNE CONVENTION, LATTER BASED ON NATIONAL TREATMENT, WHICH IS WHAT PHILIPPINE GOVERNMENT APPEARS TO BE GIVING, TO EQUAL DISMAY OF U.S. AND PHILIPPINE PUBLISHERS. HE SAID AMERICAN PUBLISHERS WOULD PROBABLY AGREE TO LICENSE REPRINTING IN THE PHILIPPINES OF SPECIFIC TITLES REQUESTED BY THE GOP, IN EXCHANGE FOR REDUCED ROYALTIES AND THE ASSURANCE THAT THE PRINCIPLE OF COPYRIGHT OWNERSHIP WOULD BE UPHELD. HE SUGGESTED A ROYALTY OF THREE PER CENT OF THE U.S. LIST PRICE, PAYABLE IN DOLLARS, WHICH IS BASIS AGREED IN PAKISTAN WHERE SIMILAR PROBLEM HAD DEVELOPED.

4. DEPARTMENT OFFICIALS NOTED THAT SICAT, IN TALKING WITH EMBASSY, HAD INDICATED INTEREST IN COMPROMISE, DESPITE DIFFERENT TONE TAKEN WITH PUBLISHERS, AND WE HOPED THAT LOW-KEY, NON-THREATENING APPROACH MIGHT EVENTUALLY PERSUADE PHILIPPINES TO CHANGE THEIR APPROACH, ALTHOUGH THEY SEEMED CLEARLY DETERMINED TO OBTAIN SUBSTANTIAL PRICE REDUCTIONS AND WE COULD NOT BE SURE OF SUCCESS. IT AGREED THAT EMBASSY WOULD BE ASKED TO AGAIN CONVEY U.S. VIEWS TO GOP, STRESSING: A) ISSUE OF EQUITY FOR COPYRIGHT OWNERS; B) PHILIPPINE INTEREST IN MAINTAINING FAVORABLE INTERNATIONAL IMAGE; C) NEED FOR ORDERLY LIMITED OFFICIAL USE

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MARKET TO FOSTER DEVELOPMENT AND INDIGENOUS PHILIPPINE BOOK PUBLISHING INDUSTRY; AND D) U.S. PUBLISHERS' DESIRE FOR COMPROMISE SOLUTION THAT WOULD SECURE LOWER PRICES WITHOUT DISRUPTING LOCAL AND INTERNATIONAL MARKET AND COPYRIGHT PRINCIPLES. COUNTRY DIRECTOR PLANS SEEK OPPORTUNITY RAISE THIS ISSUE WITH SICAT, WHOM HE EXPECTS TO MEET IN CHICAGO NEXT WEEK, AND ALBERT WILL TRY TO APPROACH SICAT AS WELL. ALBERT ALSO PLANS VISIT PHILIP-

PINES JANUARY OR FEBRUARY NEXT YEAR AND HOPES IT MAY BE
POSSIBLE TO WORK TOWARD AGREEMENT THEN. RUSH

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